



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Xuming Xiong, et al.

Title: BIAXIALY-TEXTURED FILM DEPOSITION FOR
SUPERCONDUCTOR COATED TAPES

App. No.: 10/821,010

Filed: April 8, 2004

Examiner: UNASSIGNED

Group Art Unit: 1775

Atty. Dkt. No.: 1014-SP215-US

Conf. No.: 9314

MS MISSING PARTS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF OMITTED ITEMS

Dear Sir:

In response to the Notice to File Missing Parts of Application mailed August 13, 2004, please
find enclosed herewith:

- ☒ a Transmittal Form (1 pg);
- ☒ a Response to Notice of Omitted Items in a Nonprovisional Application (this page);
- ☒ a copy of the Notice of Omitted Items in a Nonprovisional Application (2 pgs);
- ☒ a Petition under Rule 182 (2 pgs);
- ☒ a copy of the date-stamped Application Postcard (1 pg);
- ☒ a copy of the Utility Patent Application Transmittal (1 pg); and
- ☒ a copy of originally filed Figures 1-10 (6 sheets).

Respectfully submitted,

Date

10/12/04

Jeffrey S. Abel, Reg. No. 86,079
Attorney for Applicant(s)
TZLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone)
(512) 327-5452 (fax)



IFW

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/GB/21 (09-04)
Approved for use through 07/31/2006. OMB 0551-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCETRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 19

Application Number	10/821,010
Filing Date	April 8, 2004
First Named Inventor	Xuming Xiong
Art Unit	1775
Examiner Name	UNASSIGNED
Attorney Docket Number	1014-SP215-US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition under Rule 182	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Copy of date-stamped Application
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Postcard; Copy of Utility Patent
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	Application Transmittal; Copy of originally filed Figures 1-10 (6 sheets)
<input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	CUSTOMER NO.: 34456	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	TOLAR, LARSON & ABEL, LLP		
Signature			
Printed name	Jeffrey S. Abel		
Date	10/12/04	Reg. No.	36,079

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Elise K. Dougherty		
Typed or printed name	P. K. Dougherty	Date	10-13-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/821,010	04/08/2004	Xuming Xiong	3723 (#215)

CONFIRMATION NO. 9314

22474
DOUGHERTY, CLEMENTS & HOFER
1901 ROXBOROUGH ROAD
SUITE300
CHARLOTTE, NC 28211

FORMALITIES LETTER



Date Mailed: 08/13/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 8 & 9 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.


III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Xuming Xiong, et al.

Title: BIAXIALY-TEXTURED FILM DEPOSITION FOR
SUPERCONDUCTOR COATED TAPES

App. No.: 10/821,010

Filed:

April 8, 2004

Examiner: UNASSIGNED

Group Art Unit:

1775

Atty. Dkt. No.: 1014-SP215

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450REVOCATION AND POWER OF ATTORNEY, CHANGE OF CORRESPONDENCE
ADDRESS, AND APPOINTMENT OF NEW POWER OF ATTORNEY

I hereby revoke all previous powers of attorney given in the above-identified application:

 A Power of Attorney is submitted herewith. X I hereby appoint the practitioners at Customer Number 34456.CHANGE OF CORRESPONDENCE ADDRESSPlease change the correspondence address for the above-identified application to the
address associated with Customer Number 34456.

I am the:

 Applicant/Inventor X Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed.

Signature of Applicant or Assignee of Record:

Name

Philip J. Pellegrino

Signature

Date

10/11/04

Telephone 518-346-1414 ext. 3040

*Total of 1 forms are submitted.

BEST AVAILABLE COPY

- 1 -

U.S. App. No.: 10/821,010





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Xuming Xiong, et al.
Assignee: SUPERPOWER, INC.,
Title: BIAXIALLY-TEXTURED FILM DEPOSITION FOR
SUPERCONDUCTOR COATED TAPES
App. No.: 10/821,010 Filed: April 8, 2004
Examiner: UNASSIGNED Group Art Unit: 1775
Atty. Dkt. No.: 1014-SP215

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

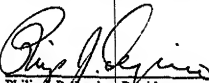
STATEMENT UNDER 37 CFR 3.73(b)

Dear Sir.:

SUPERPOWER, INC., a Delaware Corporation states that it is the Assignee of the entire right, title and interest in the patent application/patent identified above by virtue of an assignment from the inventors of the patent application identified above. The assignment (attached herewith) was filed in the United States Patent and Trademark Office on April 8, 2004.

The undersigned, whose title is supplied below, is authorized to act on behalf of the assignee.

10/11/04
Date


Philip J. Pellegrino, President
SUPERPOWER, INC.
Telephone No.: 518-346-1414 ext. 3040

BEST AVAILABLE COPY

ASSIGNMENT

WHEREAS, Xuming Xiong and Venkat Selvamanickam (hereinafter referred to as "ASSIGNORS"), have invented certain new and useful improvements in an invention entitled:

BIAXIALLY-TEXTURED FILM DEPOSITION FOR SUPERCONDUCTOR
COATED TAPES

___ for which U.S. Patent Application No. _____ was filed on _____; or

X for which an application for a United States Patent is being submitted to the United States Patent and Trademark Office herewith; and

WHEREAS, SuperPower, Inc., a Delaware Corporation, (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire right, title, and interest in and to said invention, and in and to said application and any Letters Patent that may issue thereon;

NOW, THEREFORE, for and in consideration of Five U.S. Dollars (\$5.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell and transfer to said ASSIGNEE, and to ASSIGNEE'S successors and assigns, ASSIGNORS' entire right, title, and interest in and to said invention in the United States and its territorial possessions and in any and all foreign countries and to all Letters Patent or similar legal protections in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any application claiming priority to/from the application, or any continuation, division, continuation-in-part, reexamination, renewal, substitute, extension, or reissue thereof or any legal equivalent thereof in a foreign country for the full term(s) for which the same may be granted; and authorize and request the Assistant Commissioner for Patents of the United States and any official of any foreign country whose duty it is to issue patents or legal equivalents thereof, to issue same for this invention to ASSIGNEE, its lawful successors and assigns.

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention, said application, and said Letters Patent and legal equivalents thereof in foreign countries as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments, or affidavits required to apply for, obtain, maintain, issue, and/or enforce said invention, said application, and said Letters Patent and legal equivalents thereof in foreign countries which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, we have hereunto set hand and signed on the date indicated below:

SIGNATURES

The signatures must correspond to the name(s) of the inventor(s) above.

INVENTOR #1

Xuming Xiong

4-5-04

Xuming Xiong

Date Signed


Submitted and sworn to, or affirmed before me this 5th day of April, 2004.

Signature of Notary Public: Chauti J. Lehner (SEAL)

My Commission Expires: 12-26-04

TRAUTE F. LEHNER
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01-LE8052837
QUALIFIED IN SCHENECTADY COUNTY
MY COMMISSION EXPIRES 12-26-2004

INVENTOR # 2

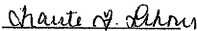


4/5/04

Venkat Selvamanickam

Date Signed

Submitted and sworn to, or affirmed before me this 5th day of April, 2004.

Signature of Notary Public:  (SEAL)

My Commission Expires: 12-26-04

TRAUTE F. LEHNER
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01-LEB052837
QUALIFIED IN SCHENECTADY COUNTY
MY COMMISSION EXPIRES 12-26-2004